

# CRS Report for Congress

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## Women in Prison

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### Summary

In the 106<sup>th</sup> Congress, discussion of the demographics and policy for women in prison has stepped up since the unprecedented growth of this population in the last decade. Also, the issue of conditions and services available for female inmates is of concern to advocates across the country. Women in prison issues are expected to reoccur in the 107<sup>th</sup> Congress.

### Most Recent Developments

During the 106<sup>th</sup> Congress, more attention was focused on female offenders. Although one measure (H.R. 3920) exclusively pertained to women in prison issues, several measures include provisions that address the concerns of incarcerated women (H.R. 357, H.R. 3920, H.R. 5326). At the end of this report, table 3 outlines congressional action on these measures.

### Introduction

Although there are no legislated standards focusing exclusively on female inmates in state or federal prisons, the Department of Justice (DOJ) has issued criteria for prisons and jails regarding equal treatment of female and male offenders. The DOJ standards require that "where male and female inmates are housed in the same facility, they [must] have equal access to all available services and programs." These standards also apply to separate institutions and programs for male and female inmates.<sup>1</sup>

The American Correctional Association (ACA), however, has developed specific standards for female offender services. These standards were ratified by the ACA Delegate Assembly on August 23, 1984, and reviewed most recently on January 17, 1990. Under the standards, correctional systems should provide basic services to female offenders that are comparable to those provided to male offenders. ACA encourages

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<sup>1</sup> U.S. Dept. Of Justice, Federal Standards for Prisons and Jails (Washington: Dec. 16, 1980), p. 2.

supplementing these basic services to meet the unique needs of the female offender population.

Services specified by ACA standards as “female offender services” include (1) acceptable conditions of confinement, including appropriately trained staff, together with sound operating procedures that address this population’s need in areas such as clothing, personal property, hygiene, exercise, recreation, and visitation with children and family; (2) a full range of work and programs designed to expand the economic opportunities and social roles of women, with emphasis on education, career counseling, exploration of non-traditional as well as traditional vocational training, and relevant life skills, including parenting, and economic assertiveness; (3) maintenance and strengthening of family ties, particularly those between parent and child; (4) services to pregnant women, substance abuse programs, and child and family services; and (5) release programs that include aid in establishing homes, economic stability, and sound family relationships.<sup>2</sup>

In order to address the issues of conditions and services for female inmates, and accommodate their growing numbers, both prison officials and policymakers need reliable statistics on female offenders. This report provides demographic data on incarcerated women and discusses legislative activity on issues relevant to this population.

## **Demographics of Women in Prisons**

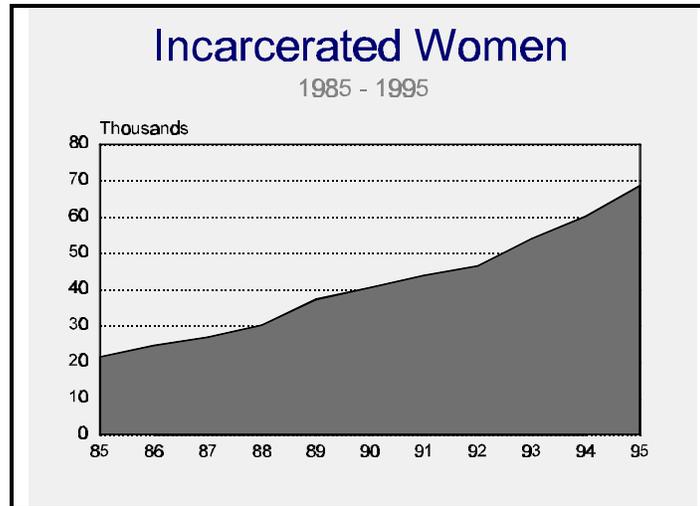
***Trends in Female Inmate Population.*** The number of women in state and federal prisons has increased over the last decade. In the 1980's, the number of women incarcerated grew each year. Studies indicate that the number of women incarcerated in the 1990's has tripled the 1980's incarceration rates. For example, the Bureau of Justice Statistics (BJS) reported that, at the end of 1995, the number of female inmates was 68,544, a more than threefold increase since 1985, when approximately 21,345 females were incarcerated. Women in state and federal prisons in 1995 comprised 6.1% of all prisoners. Federal prisons held 7,398 women, comprising 7.3% the total federal inmate population in that year. Figure 1 illustrates the upward trend in the number of women incarcerated in state and federal prisons from 1985 to 1995. In 1996, there were 74,730 women in prison. Federal prisons held 7,700 women, while 67,030 women were incarcerated under state authorities. As the year 2000 approaches, the number of women under correctional supervision is still growing. At the end of December 1999, there were 90,668 women under state and federal correctional authority.<sup>3</sup>

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<sup>2</sup> Joann B. Morton, ed., *Public Policy for Corrections* (Maryland: American Correctional Association Publishing, 1991), p.33.

<sup>3</sup> U.S. Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Correctional Populations in the United States, 1994* (Washington: June 1996), p. 73; *Correctional Population in the United States, 1992* (Washington: Jan. 1995), p. 46; *Prisons and Jail Inmates, 1995* (Washington: Aug. 1996), p. 5; *Prisoners in 1996* (Washington: June 1997), p. 6.; and *Prisoners in 1999* (Washington: Aug. 2000), p. 1.

Figure 1



**Women Incarcerated by Race, Region, and Jurisdiction.** The race of female prisoners varied in all regions and in both state and federal jurisdictions. Table 1 provides a breakdown of women incarcerated by race, region, and jurisdiction in 1996.<sup>4</sup>

Region/Juris.	Race				
	White	Black	American Indian/Alaska Native	Asian/Pacific Islander	Not Known
States (Northeast)	3,567	4,475	13	12	668
(Midwest)	5,176	6,107	165	17	217
(South)	11,082	17,177	196	18	1,607
(West)	7,903	4,614	501	245	3,071
Federal	4,444	3,036	84	136	0
Total	32,172	35,409	959	428	5,563

**Age Comparison of Female Offenders.** Prisons in the United States house female offenders ranging in age from approximately 17 years old to over 50 years old. The average age of female offenders was 32 years in 1998. This appeared to be the average age throughout the 1990's. Statistics show that, in 1991 and 1994, the average age of female offenders in U.S. prisons remained the same at 31 years, compared to male offenders who were consistent at 30 years. In 1991, 50% of the female inmate population and 46% of the male inmate population in state prisons were between 25 and 34 years old.

<sup>4</sup> U.S. Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics, Correctional Populations in the United States, 1995, p. 93.

Also during this time, only 1.7% of the female inmate population was over 55 years of age. The percentage of male inmates in this age group was higher at 3.2%. Less than 1% of female and male inmates were 17 years old or younger. The average age of female and male offenders in federal prisons was the same at 37 years in 1998.<sup>5</sup>

**Offenses by Female Inmates.** Some studies indicate that the increase in the number of women serving sentences in state prisons may be attributed to drug offenses. In recent years, drug offenses by females have exceeded violent offenses and property offenses committed by females. Violent offenses perpetrated by women have declined, while public order offenses (weapons possession, driving while intoxicated, escape from custody, offenses against morals and decency, and commercialized vice) by women have remained steady. A four-year comparison of serious offenses by female inmates in state prisons is shown in Table 2.<sup>6</sup> According to a March 1998 *Corrections Compendium* survey, most women are held in minimum (29,181 inmates) and medium (19,601 inmates) facilities. Approximately 4,479 female offenders are in maximum security, while about 5,318 female offenders are supervised in community corrections or treatment facilities.

Table 2. Percent and Number of Females Incarcerated by Type of Offense				
Offense	1986	1991	1992	1997
Violent	40.7%	32.2%	16.4%	23,108
Property	41.2%	28.7%	36.5%	18,425
Drug	12.0%	32.8%	40.3%	23,571
Public-order	5.1%	5.7%	5.6%	3,014

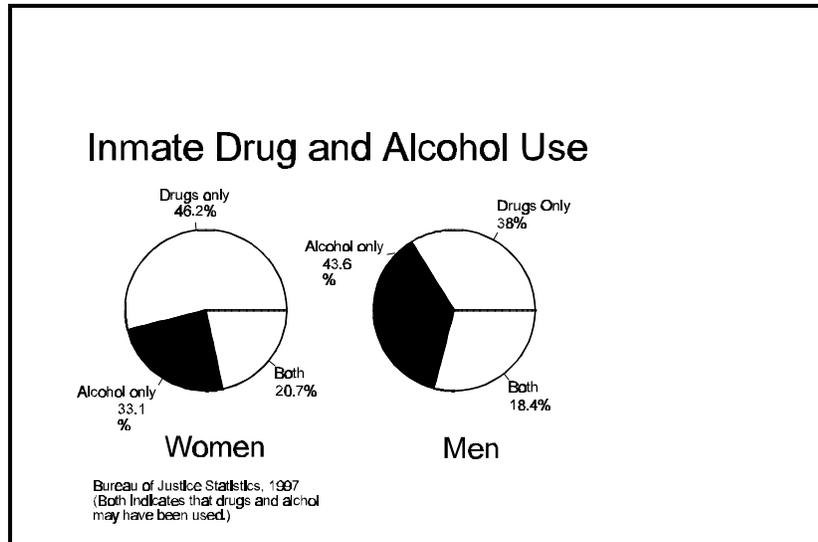
**Drug and Alcohol Abuse by Female Offenders.** Bureau of Justice Statistics researchers indicate that female offenders in state prisons were almost equally likely to use drugs prior to conviction as were male offenders (79% versus 75%) in 1997. Alcohol abuse by female offenders, however, was lower than male offenders (57% versus 69%). Figure 2 compares female and male offenders in state prisons who were under the influence of drugs and alcohol while committing an offense in 1997.<sup>7</sup>

<sup>5</sup> U.S. Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Women in Prison, 1991* (Washington: March 1994), p. 2; U.S. Dept. Of Justice, Federal Bureau of Prisons, *Federal Bureau of Prisons Fact Sheet* (Washington: Sept. 1996); and C. Camp and G. Camp, "Inmates' Average Age at Admission," in *Corrections Yearbook, 1998* (Middleton, CT: Criminal Justice Institute Publishing Co., 1998), p. 50.

<sup>6</sup> *Women in Prison, 1991*, p. 3; and U.S. Dept. Of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1995* (Washington: 1996), p. 568. In 1997, data from contributors to survey "Female Offenders," *Corrections Compendium*, vol 23, March 1998, p. 8.

<sup>7</sup> U.S. Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Prior Abuse Reported by Inmates and Probationers, 1997* (Washington: April 1999), p. 3..

Figure 2



***Physical and Sexual Abuse of Female Inmates.*** Physical and sexual abuse of female offenders is being monitored more closely today than in previous years. A 1996 study by Human Rights Watch indicates that an increasing number of women in state and federal correctional facilities are being abused while inside prison. Estimates of how many female prisoners are victims of abuse in prison appear to be inconclusive, however. According to the study, female prisoner abuse tracking systems in surveyed correctional institutions were vague and inexplicit.<sup>8</sup> Prior to incarceration, however, statistics in an April 1999 Bureau of Justice study show that 57% of female inmates in state and 39.9% females inmates in federal facilities had experienced physical or sexual abuse. Over 50% of the female offenders surveyed indicated that they had been abused in an intimate relationship. Approximately 26% of female offenders said that a parent or guardian had abused them, while 22% of female inmates said they had been abused by friends or acquaintances.<sup>9</sup>

***Mothers in Prison.*** The growing population of incarcerated women makes it likely that there will be more mothers in prison. According to a November 1999 *Corrections Compendium* survey, in 1998 there were 1,895 pregnant women admitted to correctional institutions in the United States. The Federal Bureau of Prisons admitted 95 sentenced and unsentenced pregnant females in that year. The number of full term pregnancies varied in state and federal prisons. California had the most (254 births reported) while Vermont had the least (2 births reported) in 1998 according to a November 1999 *Corrections Compendium* survey. Also, according to this survey, a total of 1,419 births by female offenders were reported in 1998. At least three states have prison systems with mother-infant programs (California, Nebraska, New York) to assist females with caring for their babies in the child's first year. The federal prison system has one program to assist

<sup>8</sup> Human Rights Watch, United States: Sexual Abuse of Women in U.S. Prisons, report, Dec. 1996, <http://www.hrw.org/summaries/s.us96d.html#TOC>, visited April 7, 1997.

<sup>9</sup> U.S. Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics, Prior Abuse Reported by Inmates and Probationers, 1997 (Washington: April 1999), p. 2..

pregnant women called Mothers and Infants Together (MINT).<sup>10</sup> Other means of caring for babies and children of incarcerated mothers varied. A Bureau of Justice Statistics study indicated that most mothers in prison (52%) relied on grandparents to care for their children. Fathers made up 28% of the caregivers. Over 20% of children who had incarcerated mothers lived with other relatives, friends, or foster parents.<sup>11</sup>

## Congressional Action on Women in Prison

*Selected Legislation, 100<sup>th</sup> - 106<sup>th</sup> Congresses.* Since the 100th Congress, there has been some legislative activity on issues relevant to women in prison. Legislation introduced in the 100th Congress included restrictions on the use of federal funds for abortions in the Federal Bureau of Prisons (S. 274). In the 101<sup>st</sup> (S.1711 and S.1970) and 104th Congresses (see below) various amendments regarding the protection of reproductive rights for federal women prisoners, drug treatment for female inmates, and substance abuse education, prevention, and treatment for women in prisons and jails were added to other unsuccessful legislation. Table 3 lists congressional action on issues regarding incarcerated women from the last five Congresses.

<b>Table 3. Selected Legislative Action on Women in Prison Issues</b>	
<b>Congress</b>	<b>Action</b>
102 <sup>nd</sup>	P.L. 102-87 (H.R. 1448), allows Pocatello, Idaho, to use certain land for a women's correctional facility.
103 <sup>rd</sup>	Hearing held by Senate Committee on the Judiciary on <i>Women in Prison: Programs and Alternatives</i> . June 29, 1993 (S. 1158).
104 <sup>th</sup>	S. Amendment 2841 to H.R. 2076, to protect the reproductive rights of federal women prisoners.  P.L. 104-208 (H.R. 3610), provision in the FY1997 Omnibus Appropriations Act bans the use of federal funds to pay for abortions for federal prisoners except to preserve the life of the mother or in case of rape.
105 <sup>th</sup>	H.R. 3514, Violence Against Women Act of 1998, introduced Mar. 19, 1998, Title III, Subtitle C, prevents custodial sexual assault by correction staff through the establishment of a national sexual contact hotline for prisoners experiencing sexual misconduct by correctional staff.
106 <sup>th</sup>	H.R. 357, Violence Against Women Act of 1999, introduced Jan. 19, 1999, Title III, Subtitle D, establishes guidelines to prevent assault by correctional staff and to create a national hotline to collect data and assist prisoners experiencing sexual misconduct by correctional staff.  H.R. 3920, Protection of Women in Prisons Act of 1999, introduced March 14, 2000, improves the conditions for women inmates in jails and correctional facilities.  H.R. 5326, Common Sense Drug Policy Act of 2000, introduced Sept. 27, 2000, Common Sense Drug Policy Act of 2000, Title II Protection of Women Inmates.

**Source:** U.S. Library of Congress, Congressional Research Service, Bill Digest Database.

<sup>10</sup> "Inmate Health Care, Part II," Corrections Compendium, vol 24, Nov. 1997, p. 6.

<sup>11</sup> U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Incarcerated Parents and their Children* (Washington: August 2000) p. 1.